

Approved as amended.
OPEN SPACE BOARD OF TRUSTEES
Minutes
May 7, 2003

BOARD MEMBERS PRESENT

Ken Dunn	Sean Kendall
Linda Jourgensen	Bruce Bland

STAFF PRESENT

Mike Patton	Dean Paschall	Jim Tydings	Jim Reeder
Delani Wheeler	Dave Kuntz	Ann Goodhart	Diann Brooks
Bryan Pritchett	Mark Gershman	Ronda Romero	Lynn Riedel

CALL TO ORDER

The meeting was called to order at 6:00 p.m.

AGENDA ITEM 1 – Approval of Minutes

Ann Goodhart explained that Agenda Item 6 was pulled from the agenda because the applicant did not agree with signing the new, more up-to-date conservation easement and was not interested in continuing the application process. Efforts to continue discussions with the applicant have been unsuccessful. Staff felt the application to move the barn was neutral and thought signing the new easement would add benefit to OSMP. There is little difference between the old and new forms, but the new one gives OSMP a little more protection and enforcement.

In response to a request from Bruce Bland, Jim Tydings clarified that there is no city code or charter requiring citizens to give their home address or identify themselves when addressing the Board.

Sean Kendall moved that the minutes of March 26 be approved as amended. Ken Dunn seconded the motion. The motion passed unanimously.

Sean Kendall moved that the minutes of April 9 be approved. Bruce Bland seconded the motion. The motion passed unanimously.

AGENDA ITEM 2 – Director's Update

Dave Kuntz gave a Visitor Plan Advisory Committee (VPAC) update. The VPAC has met twice since the last OSBT meeting to discuss visitor experience issues and management strategies related to those issues. The next meeting on May 19 will be a public workshop where groups will discuss those management strategies. Staff and the Committee are still working toward producing a draft committee report by the end of May. There will be a drafting subcommittee composed of staff and VPAC members to prepare the committee report. The VPAC will meet in June to review and approve the draft then submit it to the OSBT for review and approval. Linda Jourgensen mentioned that groups (like the VPAC) often experience a time when everything seems to fall apart but then comes together remarkably well. She thought the VPAC had done just that and now has a real understanding of how they will establish zones or areas of limited use, no use or high use. Mark Gershman said the Committee has made some suggestions on controversial issues

and has done a good job of conditioning blanket statements to make them more reasonable. Bruce Bland has enjoyed attending the meetings and feels that some items have been hashed over and the Committee seems to be making progress. Sean Kendall hopes the VPAC draft deadline is honored. If extra meetings are needed, he hopes they are scheduled in a timely manner. Linda said a lot of the progress made is due to Mark's excellent work as a project manager. If the VPAC extends the deadline, the Board will want to know how long it will take to write the report.

Mike Patton will be meeting with the Colorado Department of Transportation on Tuesday to discuss their interest in a transportation use on open space land at the intersection of 52nd Street and the Diagonal Highway. Mike, City Council and County Commissioners began this discussion last summer but it is unknown how much land is involved and specifics of the proposal. It is likely that some of the open space land will be used for other community interests and that OSMP will receive substantial mitigation.

Mike recently met with Clay Evans, an editor with the Daily Camera, to discuss the fact that some citizens had mentioned that they felt the VPAC was not listening to their concerns about dogs. Mike indicated that while Clay had not attended any of the VPAC meetings, he thought Clay's column would be fair and balanced. The Visitor Plan is not a dog management plan, and while there may be changes in dog regulations, no decisions have been made. Sean emphasized that the policies deal with visitor use on sensitive areas, not just dogs. Mark said special protection area criteria have been discussed but not which places meet those criteria. Mike said the VPAC is discussing more issues than just dog issues.

Delani Wheeler reminded the Board that they will meet Saturday at 7:30 a.m. for their annual retreat from 8 a.m. to 12 p.m. The public is invited but cannot participate.

AGENDA ITEM 3 – Matters from the Board

Sean Kendall mentioned that City Council approved the IPM Task Force list of chemical exemptions. The committee may continue on, but Sean may not continue his membership. There is some expectation for a presentation to the Board and there will be a review of the pesticides after this season. Sean said Alice Guthrie may be working on a format to manage the data in a way that would make it more accessible to the public and the Board. The format will probably become a city mandate. Every parcel that will be evaluated for weed control is going to have a data sheet, so documentation of the control agent's success will be easier than in the past. Sean commended Laurie Deiter and Kathy Damas on their work with the Task Force. Mike Patton mentioned that this data will also be included in the OSMP IPM annual reports.

Linda Jourgensen inquired about Jennifer True. Mike said a letter of apology was sent to her but he has not heard in return via letter, or in person. He did have a telephone conversation with Mark Rolofson who said he and Jennifer had said all there is to say. Linda updated the public on this matter. Mike clarified that the City has a general policy that departments do not have to respond to published articles of opinion but do respond when an article states clear, factual errors.

Sean thought seeing OSMP staff at the Boulder Watershed Forum was a good example of staff going the extra effort. Bob Crifasi and Don D'Amico are regular attendees.

Mike mentioned that safety issues about grazing on OSMP have been reviewed by Jim Reeder and Jim Tydings, and discussed with the City Manager, who believes the benefits of cattle on OSMP outweigh the risks.

AGENDA ITEM 4 – Public Participation/Items Not on the Agenda

Christian Griffith, 1081 11th Street, presented a proposal to hold a time trial running race on Sanitas Trail in order to recruit local runners to help repair the trail. Christian has spoken to Mike Patton and Dean Paschall before coming to the Board. He feels the race would have very limited impact on the trail and that a \$10 entry fee per participant could cover logistical costs of the race and staff performing trail maintenance. Every participant would commit to three hours of trail work in a particular timeframe. The concern for other trail users during the race could be solved by closing the trail or hikers could step off the trail when a runner passes by. Christian thinks that the difference between his event and OSMP's other public restoration efforts is that his event uses the time trial as a lure.

Mike mentioned that, traditionally, competitive events have been prohibited on OSMP but this matter was brought forward in such a positive way that it deserves careful consideration. Ken Dunn agrees that the trail does need maintenance and thinks it is a good idea. Dean said the management team was concerned that if one competitive event was allowed on OSMP, allowing more events would be difficult to manage. He also gave Christian praise for his concern and interest in helping. Staff liked the idea but thought it might be better to hold a time trial at some other location. Dave Kuntz said the VPAC has addressed this issue and agreed that competitive events are not appropriate on OSMP. Boulder Roadrunners has offered to host a 4th of July race at the Boulder Reservoir but would donate the proceeds to OSMP for trail maintenance. Ken suggested controlling the impact of events by only permitting the groups that have collected the most money or volunteer hour commitments. Sean would like to find out from staff how volunteer trail crews work; whether or not there is a need for them, if there are opportunities to be on a crew and how to prioritize where they work. Mike mentioned that the last thing staff wants to do is discourage citizens from helping and that this issue will be revisited.

Scott Lewis and Greg Baylin gave a presentation about mountain bike trail access. Both are avid mountain bikers who feel there are very limited opportunities to mountain bike on OSMP, compared to the overall number of trails on the system. It seems that the only challenging biking trails in Boulder are the Foothills and Marshall Mesa trails. There are many biking trails in the county but they take a long time to get to and from. Scott mentioned that erosion caused from mountain biking is often exaggerated. Many studies, such as one on the International Mountain Biking Association web site, show that mountain bikes create about the same level of trail damage as hikers and less damage than horses. Scott also mentioned that conflicts between bikers and other users can often be avoided when all users practice common courtesy.

Greg Baylin discussed mountain bike trail management. He suggested enforcing seasonal closures or closing trails on particular days (for example, Betasso). Greg also suggested establishing trails just for mountain bike use, which would decrease user conflicts. To address the trail maintenance issue, Greg mentioned that organizations and biking groups throughout the county often organize trail maintenance programs. He also believes that because mountain biking equipment has improved, less damage to the trails occurs. Greg

and Scott would like to see a trails committee formed and would be willing to represent their biking organizations and perform research projects. Sean Kendall invited Scott and Greg to the next VPAC meeting.

AGENDA ITEM 5 – Prairie Dog Study Session Update*

Bryan Pritchett gave a presentation on the status of the OSMP prairie dog relocation efforts that will be given to City Council on May 13. The Board is seeing a summary of the presentation to give suggestions and/or recommendations. The purposes of the study session are to 1) update Council on the status of the relocation efforts 2) discuss the condition of OSMP land (current prairie dog populations, needs of the land) 3) discuss the importance of native prairie grasslands and 4) discuss suggestions Council may have about relocation.

Jim Tydings mentioned that the Colorado State Agricultural Board believes the City of Boulder code pertaining to applying pesticides to prairie dogs is not in accordance with the state code. The city code prohibits state-certified applications on private property but the state code permits them. City Council is aware of this discrepancy and is discussing it with Sue Ellen Harrison, Assistant City Attorney.

The department is justifiably proud of its prairie dog conservation accomplishments. Staff last met with City Council in January of 2002 in order to update Council on the prairie dog policy development and status of potential receiving areas. At that time, City Council requested to hear the next update when staff felt prairie dog conservation was beginning to conflict with other grassland conservation efforts.

Some of the relocation effort discussion will include an outline of OSMP's beginning assumptions in 1999 (which led toward the adoption by Council of the City's prairie dog ordinance) and how much relocation has been done, what should have been done and what still needs to be done. Bryan reviewed some assumptions - such as the number of acres needing prairie dogs removed, and number of prairie dogs living on those acres. The original estimated number of prairie dogs to be moved was smaller than what was actually moved and what needs to be moved in part because: 1) the original density figure used in estimating was lower than it should have been and 2) prairie dogs have moved to new sites. Some factors that have led to recolonization are the lack of effective barriers, the failure to make removal sites unsuitable for prairie dogs and changes in development plans/timing.

Bryan reviewed part of the current status of prairie dogs on Open Space - the number of occupied acres and colony expansion from 1996 to 2002. He discussed the estimated future growth of colonies. If land unsuitable for prairie dogs is excluded from the OSMP system (including areas where OSMP does not have total jurisdiction), 9,400 acres are left to be considered suitable. If very good survival conditions continue and no relocation occurs, all 9,400 acres will be occupied by approximately 2006.

Bryan then discussed why prairie dogs are a "keystone" species and the effects of prairie dog relocation on the ecosystem. Some animals thrive within prairie dog colonies where prairie dogs may be a "keystone" species, while other animals cannot survive on colonized land. Continuing to relocate prairie dogs at this time would harm the prairie dogs because it would increase colony density and proximity to other colonies. Other issues associated

with relocation include the spread of noxious weeds, loss of soil, and conflicts with neighbors.

Staff will request City Council's guidance for developing strategies for healthy grassland preservation, continuing black tailed prairie dog conservation and to ensure consistency with Department of Agriculture regulations and state statutes relative to the ordinance and control on private lands.

Public Participation

None

Return to Board & Staff

Bruce Bland wondered how much of staff's time and resources are being spent on relocating the large numbers of prairie dogs during these difficult budget times. Bryan said the amount is significant but the actual cost of the relocation efforts on private lands and city lands is reimbursed. However, the time spent on relocation does take away from time spent on other grassland or wildlife management issues. Mike Patton said the cost is very difficult to quantify because staff members from many divisions work on relocation. Dave Kuntz said that when working on single-species management, most of the time is spent on that one species and not on the ecosystem as a whole.

Bruce wondered if staff has an idea of how much rare vegetation has been destroyed by prairie dogs. Bryan said no and that prairie dogs don't necessarily destroy every place they occupy. The problem on OSMP is that the prairie dogs are confined, which causes them to continually graze on the same areas. Bruce thinks OSMP is already overpopulated and suggested being more aggressive with Council and asking them to allow euthanization under certain conditions. Mike said staff is working with Christine Andersen to find a way the Board can discuss relocation with Council, since the Board is unable to do so at the study session. Staff is hoping Council will decide on May 13 to end relocating. Once the discussion about ending relocation is closed, more time could be spent looking at a broader range of alternatives. Dave said prairie dogs are living in an unnatural situation and that management options are fairly limited. The key is to maintain high-quality grasslands where prairie dogs are not the dominant species.

Ken Dunn agrees that staff should act aggressively. It seems to be approaching a crisis as other resources are being degraded. Mike expects to return in July after Council's break although that would be ambitious due to budget conversations. If the city agreed with the state's pesticide ordinance, Linda Jourgensen wonders what effect that would have on OSMP's relocation efforts. Bryan said relocation would not be looming, but there are still about six public sites to deal with. When alternatives are developed, the potential for mitigation must be considered. If Council does not agree with halting relocation efforts, Sean Kendall wondered if staff has thought about asking Council to not remove prairie dogs from other city sites if they are unable to make those sites uninhabitable. Mike said it could be discussed with the City Manager. Sean also asked what would happen if OSMP stopped relocating from other city sites. Mike said one possibility is that other city departments would have to do something such as mitigation. Years ago, staff proposed to OSBT that the wetlands ordinance model be followed when relocating prairie dogs. There are other alternatives to consider but they tend to keep OSMP in the prairie dog business.

Bryan explained to Sean that fencing began in 1994 or so in order to keep prairie dogs out of agricultural fields, but is usually done on private land for public relations intentions. Sean noted that fences are not erected for other wildlife and that private property owners can erect fences themselves. Mike explained that staff has stopped putting up fences because it is very expensive and not very effective. Linda reminded staff that it is important to consider the perspective of private landowners, which is often different than that of OSMP. Bryan said the frequent prairie dog complaints he receives come from areas where colonies have naturally expanded, not from relocation areas. Bryan also explained that there is some evidence that the plague may occur more frequently in more humid climates but there is no way to predict when an outbreak may occur.

A suggestion was made to create a summary slide at the beginning and the end of the presentation, but overall the Board thought it was good. Bryan thanked the other staff members who helped prepare the presentation. Bryan explained that Boulder's prairie dogs do play a role in the 11-state protection effort but OSMP's ability to conserve and preserve prairie dogs is very limited. The 11 states look for areas of 10,000 acres or more of continuous habitat that will truly support the prairie dog's recovery, but Boulder County's prairie dog habitat is already full, according to research of the state's prairie dog consultant. Mark Gershman said an important role for OSMP is that it is part of an urban center. Conservation efforts are enhanced if the millions of visitors to Boulder learn from OSMP what it is like for prairie dogs and grasslands to survive in conjunction with each other.

MOTION

This agenda item did not require a motion.

VOTE

This agenda item did not require a vote.

AGENDA ITEM 6 – Consideration of an amendment to an existing Conservation Easement changing the location of a designated building envelope at 6610 South Boulder Road for Open Space and Mountain Parks purposes*

This agenda item was cancelled, as explained at the beginning of the meeting by Ann Goodhart.

AGENDA ITEM 7 – Consideration of a motion to recommend that City Council adopt an ordinance to revise sections of the Boulder Revised Code, 1981, relating to the Open Space Program, the Open Space Board of Trustees, and the Open Space and Mountain Parks Department*

Delani Wheeler presented. This item was briefly discussed at the March 26, 2003 OSBT meeting. Staff has worked with the City Attorney's office to create a draft which brings the code into accordance with the city charter. If the Board approves the draft tonight, Council can consider it as a first reading at their May 20th meeting and possibly pass it before their June break. The ordinance clarifies the functions of the OSBT and the purposes of Open Space.

Linda Jourgensen asked about the Board's administrative functions in the code, specifically the item stating "...shall make recommendations to the Council concerning the Open Space program." Delani explained that it is taken from the charter and covers a

broad range of issues such as prairie dogs. Linda asked about the disposal of OSMP land. Delani explained that prior to disposal; OSMP would publish a 10-day notice. If the disposal was approved by the Board and then by Council, citizens would still have 60 days to referend the decisions. The ordinance does not describe what would happen if the Council and Board disagreed, but the charter requires the Board to make a recommendation. Voters were strongly in favor of this amendment in 1986.

Public Participation

None

Return to Board and Staff

Sean asked about the acquisitions function. Delani said it is covered in the department functions section as functions of the program, where the word “acquire” was added by charter amendment in 2001. The Board was already making acquisition recommendations but the word “acquire” was not in the department’s function. There was a concern that acquisitions would be moved to the City Manager’s office. Delani said most of what has changed was taken straight from the charter and placed into the code.

Motion

Bruce Bland moved that the OSBT recommend to City Council that City Council adopt the ordinance attached as Exhibit B to revise sections of the Boulder Revised Code, 1981, relating to the Open Space program, the Open Space Board of Trustees and the Open Space and Mountain Parks department.

Vote

Sean Kendall seconded the motion. The motion passed unanimously.

AGENDA ITEM 8 - Greenways CIP Information update

Mark Gershman presented. The Greenways Advisory Committee will meet on May 21 to discuss the five-year Greenways CIP, and has requested the Board’s comments. Mark mentioned that the next priorities are Four Mile Creek and Wonderland Creek. However, a recent flood control study showed that flood control improvements need to be made, which should be completed before trail or habitat improvements are made. Therefore, Elmer’s Two Mile Creek, which begins near 26th Street & Iris, is now a priority. Some habitat and recreational improvements are proposed. This project is leverage for a floodway project that will occur anyway. Greenways also applied for funding from the Corps of Engineers to perform major habitat restoration on the two Goose Creek drainages. The next project that will probably involve OSMP involves the section of Four Mile Creek between 28th Street and the Pleasantview soccer fields.

Delani noted that each section of the CIP is approved by different departments. The Greenways Task Force would look at this, and the Transportation Utility Board would make a recommendation. Then the whole CIP would go to the Planning Board for a final recommendation and go to Council to adopt the plan. Mark mentioned that the Greenways CIP really deals with a \$450,000 budget but project costs will exceed that amount because it reflects the cost share with other departments. Linda asked if the \$150,000 lottery distribution was totally spent on weed control. Mark explained that the Greenways money is committed to broad uses such as habitat restoration, not specific uses such as weed control.

Sean Kendall asked if any of the money benefits OSMP directly. Dave Kuntz explained that the Board expected \$150,000 of the annual Greenways budget to go toward environmental projects. Mark explained that Transportation Utility maintains transportation issues, Flood Utility maintains flood structures, etc., but environmental issues should not always be taken care of by OSMP, and so Greenways stepped in and allocated a portion of their budget to the maintenance of certain natural systems along Greenways, which do not always occur on OSMP. Sean mentioned that it seems Greenways keeps a separate trail system in a non-natural area and wondered if that was an effective reason for OSMP to support Greenways. Dave said OSMP supports Greenways environmental restoration efforts. Mike said having an intercity trail system is important but OSMP doesn't necessarily support the trails being in riparian areas and OSMP trails shouldn't be considered transportation routes.

Sean thinks it is important to promote the fact that some of these projects are leveraged, so citizens are not led to think the projects are funded entirely by city tax dollars. Mark mentioned that the Transportation Division has eliminated almost everything from their budget that is not leveraged. Mark also mentioned that Annie Noble has not spent money unless it is consistent with the Greenways program and that she accrues a carryover that may be diverted to a Greenways project with no funding. This is important to consider if a portion of OSMP property becomes a part of the Greenways program because the carryover could be spent on non-OSMP property.

Dave recommended that environmental projects unattached to other departments be earmarked so that all of the \$150,000 is not spent on deferred maintenance. Mark said that Greenways usually spends far more than \$150,000 a year on environmental restoration. There are no Greenways environmental projects on OSMP, which is most likely due to the high quality of OSMP land. Greenways are valuable because they are a contact to nature for those living in the city. It is important for the restoration to reflect the native state so people learn that restoration can be done in an urban setting. Mark said design guidelines have been developed which cover a diversity of native species. Dave said that Mark was very instrumental in the assessment and planning of those design guidelines.

Public Participation

This agenda item was not up for public participation.

Return to Board and Staff

None

Motion

This agenda item did not require a motion.

Vote

This agenda item did not require a vote.

ADJOURNMENT – The meeting adjourned at 9 p.m.

These minutes prepared by Diann Brooks.